Wrote Sen. Durant 12/14

12/19 (33) D

Dear Senator Stone:

B6

I have received your letter of November 21, in which you request my assistance in the case of Mr. Nguyen Vinh Hien, a Vietnamese refugee now in Thailand. (Similar requests have recently been received directly from Mr. James Durant, IV, and United States Senator Lawton Chiles and Congressman William Lehman.

A detailed examination of this case has been made by my staff, based on documents and information available here and those provided by our Embassy in Bangkok.

The situation seems clear. Mr. Hien desires to immigrate to the United States and his cause has been intensively supported by Mr. Durant. Mr. Hien has not, and does not, meet any of the criteria established for the parole of Indochinese refugees into the United States at this time. These criteria are: having a close blood relative in the United States; former employees of the United States Government or former senior officials in the previous anti-communist government or those closely associated with United States programs through training in the United States, etc.

These criteria were presented in some detail during consultations carried on with the Congressional committees concerned with refugee matters prior to the parole authorization. As pointed out repeatedly to Mr. Durant and to Mr. Hien, only those refugees who meet the established criteria will be granted entry by the Immigration and Naturalization Service. Much as we appreciate the interest of Mr. Durant in assisting a refugee, we are not free to bend the regulations

The Honorable
Richard (Dick) Stone,
United States Senate.

under which the program operates. There are well over 80,000 other refugees in Thailand who would equally deserve, in terms of their situation, exceptions if we were to adjust the criteria for any one refugee. As a matter of fact, the parole for 8,000 from camps in Thailand now appears to be far too small to accommodate all those who do meet the criteria.

Mr. Durant, during the course of almost two dozen telephone calls to Ambassador Whitehouse and other Embassy officials in Bangkok, alleged that these officers have referred to him as "a drunkard and an alcoholic" and has threatened them with severe Congressional pressure and personal harassment if they refuse to grant entry to Mr. Hien. Embassy officers categorically deny they have ever referred to Mr. Durant in such terms.

With respect to the possibility of Mr. Hien's entering the United States under the political asylum provision of the Immigration and Nationality Act, I might point out that while as a citizen of Vietnam and former resident of Laos, Mr. Hien is prima facie eligible to apply for conditional entry into the United States under Section 203(a)(7) of the Immigration and Nationality Act (INA). In order for him to make such application, he would have to proceed to the regional office of the INS in Hong Kong. It is unlikely that Hong Kong would permit him to transfer there, since it already has a relatively large refugee population. Even should he secure travel documents that would enable him to go to Hong Kong, there is no prior guarantee that any potential conditional entry application will be approved. That decision can only be made by the INS officer after the application has been submitted.

Alternatively, Mr. Hien may submit a direct petition to the U.S. Attorney General under the provisions of Section 212(b)(5) of the INA for consideration for an individual grant of parole for humanitarian reasons. It does not appear that Mr. Hien's need for special consideration is any more compelling than the reasons of the tens of thousands of other refugees in Thailand.

I am convinced that Mr. Hien has received the fullest consideration from the most responsible officers of our Mission in Thailand. His only remaining recourse is through the channels discussed above, and I should point out that there is not much likelihood of success in them.

Hoping that this information will prove of use to you in your discussion with Mr. Durant, I remain,

Sincerely,

Patricia M. Derian
Assistant Secretary for
Human Rights and Humanitarian Affairs

Drafted by:
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